

House File 2409

H-8105

1 Amend House File 2409 as follows:  
2 1. Page 1, before line 1 by inserting:  
3 <Section 1. Section 456A.37, subsections 1 and 2,  
4 Code 2011, are amended by striking the subsections and  
5 inserting in lieu thereof the following:  
6 1. *Definitions.* As used in this section:  
7 a. "*Aquatic invasive species*" means nonnative  
8 aquatic wildlife or aquatic plants that have been  
9 determined by the commission to pose a significant  
10 threat to the aquatic resources or water infrastructure  
11 of the state.  
12 b. "*Aquatic plant*" means a submergent, emergent,  
13 floating, or floating-leafed plant, including algae,  
14 and including any part of such a plant.  
15 c. "*Water-related equipment*" means a motor vehicle,  
16 boat, watercraft, dock, boat lift, raft, vessel,  
17 trailer, tool, implement, device, or any other  
18 associated equipment or container, including but  
19 not limited to portable bait containers, live wells,  
20 ballast tanks, bilge areas, and water-hauling equipment  
21 that is capable of containing or transporting aquatic  
22 invasive species, aquatic plants, or water.  
23 Sec. \_\_\_\_\_. Section 456A.37, subsection 4, paragraph  
24 c, Code 2011, is amended to read as follows:  
25 c. If the commission determines that ~~an additional~~  
26 a species should be defined as an "aquatic invasive  
27 species", the species shall be defined by the  
28 commission by rule as an "aquatic invasive species".  
29 Sec. \_\_\_\_\_. Section 456A.37, Code 2011, is amended by  
30 adding the following new subsection:  
31 NEW SUBSECTION. 4A. *Inspections.*  
32 a. A person who operates or hauls water-related  
33 equipment shall inspect that equipment for aquatic  
34 invasive species when the equipment is removed from the  
35 waters of the state or before the equipment is placed  
36 in the waters of the state. If an aquatic invasive  
37 species is discovered on or in the equipment, the  
38 aquatic invasive species shall be removed immediately  
39 and disposed of as provided by the commission by rule.  
40 b. All water-related equipment is subject to  
41 inspection by a representative of the department when  
42 removed from or before placement in the waters of the  
43 state. A representative of the department may prohibit  
44 a person from placing the equipment in the waters of  
45 the state if the person refuses to allow an inspection  
46 of the equipment or refuses to remove and dispose of  
47 aquatic invasive species, aquatic plants, or water on  
48 or in the equipment.  
49 Sec. \_\_\_\_\_. Section 456A.37, subsection 5, Code 2011,  
50 is amended by striking the subsection and inserting in

1 lieu thereof the following:

2 5. *Requirements and prohibitions.*

3 a. A person shall not transport on a public road  
4 or attempt to place in the waters of the state any  
5 water-related equipment that has an aquatic invasive  
6 species or aquatic plant attached or onboard the  
7 equipment except as follows:

8 (1) When authorized by a written permit issued by  
9 the director.

10 (2) For purposes of disposing of an aquatic  
11 invasive species or aquatic plant, as part of a harvest  
12 or control activity.

13 (3) When transporting commercial or municipal plant  
14 harvesting equipment to a suitable location, away  
15 from any body of water, for purposes of cleaning the  
16 equipment of any remaining aquatic plants or aquatic  
17 wildlife.

18 (4) For purposes of constructing or transporting a  
19 shooting or observation blind, if the aquatic plants  
20 involved are emergent, are cut above the waterline, and  
21 contain no propagules such as seed heads, roots, or  
22 rhizomes, and are not aquatic invasive species.

23 (5) When the water-related equipment is providing  
24 emergency response services.

25 b. A person shall not operate or use water-related  
26 equipment in an area that is marked as infested by  
27 aquatic invasive species.

28 c. A person shall drain all water from  
29 water-related equipment when removing such equipment  
30 from the waters of the state and before transporting  
31 the equipment from the water access area or boat ramp  
32 or from riparian property. Drain plugs, bailers,  
33 valves, or other devices used to control the draining  
34 of water from ballast tanks, bilges, and live  
35 wells must be removed or opened before transporting  
36 water-related equipment except for the following:

37 (1) Marine sanitary systems.

38 (2) Water in closed engine cooling systems.

39 (3) Tanks or containers of potable water or other  
40 beverages meant for human consumption.

41 (4) Water-related equipment which is providing  
42 emergency response services.

43 d. A person who violates this subsection is subject  
44 to a scheduled fine pursuant to section 805.8B,  
45 subsection 5.>

46 2. Page 2, after line 5 by inserting:

47 <Sec. \_\_\_\_\_. Section 462A.52, subsections 2 and 3,  
48 Code 2011, are amended to read as follows:

49 2. Notwithstanding subsection 1, any increase in  
50 revenues received on or after July 1, 2007, ~~but on~~

1 ~~or before June 30, 2013,~~ pursuant to this section as  
2 a result of fee increases pursuant to 2005 Acts, ch.  
3 137, shall be used by the commission only for the  
4 administration and enforcement of programs to control  
5 aquatic invasive species and for the administration  
6 and enforcement of navigation laws and water safety  
7 upon the inland waters of this state and shall be  
8 used in addition to funds already being expended by  
9 the commission each year for these purposes. The  
10 commission shall not reduce the amount of other funds  
11 being expended on an annual basis for these purposes as  
12 of July 1, 2005, ~~during the period of the appropriation~~  
13 ~~provided for in this subsection.~~

14 3. The commission shall submit a written report  
15 to the general assembly by December 31, 2007, and  
16 by December 31 of each year thereafter ~~through~~  
17 ~~December 31, 2013,~~ summarizing the activities of the  
18 department in administering and enforcing programs to  
19 control aquatic invasive species and administering  
20 and enforcing navigation laws and water safety upon  
21 the inland waters of the state. The report shall  
22 include information concerning the amount of revenues  
23 collected pursuant to this section as a result of fee  
24 increases pursuant to 2005 Acts, ch. 137, and how the  
25 revenues were expended. The report shall also include  
26 information concerning the amount and source of all  
27 other funds expended by the commission during the  
28 year for the purposes of administering and enforcing  
29 programs to control aquatic invasive species and  
30 administering and enforcing navigation laws and water  
31 safety upon the inland waters of the state and how the  
32 funds were expended.>

33 3. By renumbering as necessary.

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J. SMITH of Dickinson